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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1410 OF 2007

Shrenik Pharma Limited & Ors..Petitioners

Vs.

The Union of India & Ors...Respondents

Mr. H.J. Thakkar along with Mr. A.S. Talegaonkar i/b. M/s. Bhaishnkar Kanga & Girdharilal for the Petitioners
Mr. Y.S. Bhate with N.R. Prajapati i/b. H. Chaturvedi for the respondents

CORAM: F.I. REBELLO &
J.P.DEVADHAR,JJ.
DATED: 23RD AUGUST, 2007

P.C.:

. The Appeal preferred by the petitioners was dismissed for failure to comply with the order of pre-deposit which was communicated to the petitioner by order dated 20th January, 2006. The learned Counsel before us has sought to contend as to why both the orders are without jurisdiction.

2. After considering the contentions, in our opinion, it would not be possible to interfere with the orders passed. However, in order to given the petitioners herein an opportunity of being heard we propose to dispose of this petition by passing the following order:-

(i) The order dated November 9, 2006 is quashed and set aside subject to the petitioners depositing before the Appellate Authority an amount of Rs.7.50 lakhs within six weeks from today. To that extent order dated 20th January, 2006 stands modified. On such deposit the appeal to be heard. On failure to deposit the order dated November 9, 2006 to stand confirmed.

(ii) The petition stands disposed of accordingly. No order as to costs.

(iii) In the meantime the respondents not to take steps to make recovery against the petitioner in respect of the subject matter of this petition.

(J.P. DEVADHAR, J.) **(F.I.REBELLO, J.)**